

FILED

JUL 21 2009

CLERK, U.S. DISTRICT COURT

By

Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

PATRICK HENRY MURPHY

V.

NATHANIEL QUARTERMAN, DIRECTOR
TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, CORRECTIONAL INSTITUTIONS
DIVISION

MOTION FOR APPOINTMENT OF FEDERAL HABEAS COUNSEL

Petitioner, Patrick Henry Murphy, requests the appointment of federal habeas counsel, and would show as follows:

Patrick Henry Murphy was convicted and sentenced to death on November 13, 2003, in cause number F01-00328 in the 283rd District Court of Dallas County, Texas.

The undersigned counsel, Allan Fishburn, was appointed as state habeas counsel. Murphy's state habeas application has been denied, and he seeks to file a federal habeas application under 28 U.S.C. § 2254, challenging his conviction and death sentence. Murphy is entitled to the appointment of counsel pursuant to 21 USC § 848 (q)(4)(B).

After conferring with Murphy, he agrees with counsel's advice that another lawyer be appointed the requests application. Specifically, Murphy has requested the appointment of other counsel to act as federal habeas counsel.

For the foregoing reason, Mr Murphy respectfully requests that the court appoint new counsel, as federal habeas counsel.

Respectfully submitted,

[Signature]

Allan Fishburn
State Bar Number 07049110
211 N. Record, Suite 450
Dallas, Texas 75202
214-761-9170
214-742-7313 Fax